

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

LEON DAVIS,)
) **Civil Action No.: 5:13-cv-2430-MGL**
Plaintiff,)
)
vs.)
)
)
CAROLYN W. COLVIN, ACTING)
COMMISSIONER OF SOCIAL)
SECURITY ADMINISTRATION,)
)
)
Defendant.)

This matter comes before the Court on Plaintiff Leon Davis’ (“Plaintiff”) motion for an award of attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412. (ECF No. 17). Plaintiff seeks an award of two thousand, nine hundred thirteen dollars and 69/100 (\$2,913.69) attorney’s fees representing 15.5 hours of attorney’s time at a rate of \$187.98 per hour and Three Hundred and Fifty dollars (\$350) for costs.. *Id.* Plaintiff asserts he is entitled to an award under EAJA because Plaintiff was the prevailing party and the Defendant’s position was not substantially justified. The Commissioner does not oppose Plaintiff’s motion for attorney fees or the amount of attorney’s fees and costs., (ECF No. 22.)

Under the provisions of EAJA, parties prevailing against the United States are entitled to an award of attorney’s fees unless the Government can carry its burden of

demonstrating that its litigation position was substantially justified. 28 U.S.C. § 2412(d)(1)(A); *Crawford v. Sullivan*, 935 F.2d 655, 658 (4th Cir.1991). “Substantial justification” is more than “merely undeserving of sanctions for frivolousness” and the Government’s position must be “reasonable . . . both in law and in fact.” *Pierce v. Underwood*, 487 U.S. 552, 565–66, 108 S.Ct. 2541, 101 L.Ed.2d 490 (1988).

The court has made an independent review of the itemized Plaintiff’s attorney time and rates, as well as the costs sought, and finds them reasonable and in accord with applicable law. *Gisbrecht v. Barnhart*, 535 U.S. 789, 122 S.Ct. 1817, 152 L.Ed.2d 996 (2002). Based on the foregoing, the Court GRANTS Plaintiff’s motion for attorney’s fees and costs under the EAJA

Accordingly, it is ORDERED that Plaintiff is awarded the \$2,913.69 for attorney’s fees and \$350 in costs for a total award of \$3263.69.

The Commissioner is directed to make the check payable to the Plaintiff and to deliver the check to the office of Plaintiff’s counsel.

IT IS SO ORDERED.

/s/ Mary G. Lewis
UNITED STATES DISTRICT JUDGE

Spartanburg, South Carolina

July 28, 2014